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on the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-second session

CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Czech Republic

1. The Committee considered the initial and second periodic reports of the Czech Republic (CERD/C/289/Add.1) at its 1254th and 1255th meetings, held on 6 and 9 March 1998, and adopted, at its 1270th meeting, held on 18 March 1998, the following concluding observations.

A. Introduction

2. The Committee welcomes the report submitted by the Government of the Czech Republic, which generally complies with the reporting guidelines. The Committee noted with appreciation the competent delegation which presented the report and the frank and constructive approach that characterized the dialogue with the delegation. The Committee also expresses its appreciation to the State party's delegation for the additional information it provided to the Committee both orally and in writing.

B. Factors and difficulties impeding the
implementation of the Convention

3. It is recognized that the economic, political and social changes that are still taking place in the Czech Republic may effect the full enjoyment of economic, social and cultural rights of some segments of the population, especially those belonging to minority groups. It is further noted that the policy of tolerance and openness towards minorities is relatively recent and is being implemented progressively.

C. Positive aspects

4. The fact that, according to article 10 of the Constitution, international instruments on human rights and fundamental freedoms such as the Convention that are ratified, promulgated and made effective by the State party are directly applicable and take precedence over national legislation is welcomed.

5. It is noted that the State party, especially since the adoption of the new Constitution in 1993, has taken a number of positive measures in the field of law reform to combat various forms of racial discrimination which fall within the areas covered by the Convention, including the Charter of Fundamental Rights and Freedoms which, inter alia, contains provisions for the protection of national and ethnic minorities. The introduction of a definition of racially motivated crime and the prohibition of racist organizations and publications in the Criminal Code, as well as the ratification of the Framework Convention for the Protection of National Minorities, are welcomed.

6. The recent initiatives taken by the State party intended to prevent inter-ethnic conflicts, including the teaching of children and adolescents and public awareness campaigns promoting tolerance and openness towards ethnic minorities, are noted with interest.

7. In this context, the establishment of the Council of Nationalities in 1994 as a governmental advisory body is noted with appreciation. The State party's recent steps towards an affirmative action policy for the Roma community, including the setting up of an Inter-Ministerial Commission and measures taken within the fields of education and employment, are welcomed. The continuing growth in the number of non-governmental organizations, including associations of minorities, is also viewed positively.

D. Principal subjects of concern

8. Concern is expressed at the persistence of racial hatred and acts of violence, particularly by skinheads and others, towards persons belonging to minority groups, especially Roma and people of African or Asian origin. Reports of anti-Semitic incidents are a further source of concern. The recorded six-fold increase in racially motivated crimes between 1994 and 1996 is also noted with alarm. Additional sources of concern are the presence of a number of organizations and publications which promote racist and xenophobic ideas, and reports that the State party has not been sufficiently active in effectively countering racial violence against members of minority groups.

9. Concern is expressed at information indicating that the number of charges and convictions, including those of skinheads, is low relative to the number of abuses reported. It is also noted with concern that perpetrators of racial crime are often lightly punished and that, in a number of cases, prosecutors have been reluctant to identify a racial motive. Moreover, in the light of evidence of unnecessarily long proceedings and slow investigations of acts of racial crime, concern is raised about judicial effectiveness in this respect.

10. Taking into account reports of cases of harassment and of excessive use of force by the police against minorities, especially against members of the Roma community, concern is raised that there may be insufficient training provided to law enforcement officials regarding the provisions of the Convention.

11. It is also noted with concern that a political party represented in Parliament promotes racial discrimination and disseminates a magazine which promotes racist propaganda and ideas of racial superiority aimed at the ethnic minorities resident in the country.

12. In light of reports indicating discrimination against Roma in areas such as housing, transport and employment, it is noted with concern that the State party does not have civil or administrative law provisions expressly outlawing discrimination in employment, education, housing and health care and that there exists no administrative regulation explicitly prohibiting racial discrimination by public institutions and agencies. The denial of access to public places such as restaurants, pubs, discotheques and similar establishments by persons belonging to some ethnic minorities, especially Roma, is also noted with concern.

13. The marginalization of the Roma community in the field of education is noted with concern. Evidence that a disproportionately large number of Roma children are placed in special schools, leading to de facto racial segregation, and that they also have a considerably lower level of participation in secondary and higher education, raises doubts about whether article 5 of the Convention is being fully implemented.

14. It is noted that the 1993 law on the acquisition of Czech citizenship (Law No. 40/1990) has resulted in widespread criticism from a number of international institutions and non-governmental organizations for its discriminatory effects, especially vis-à-vis Roma. While it is noted that the State party has taken steps to mitigate the negative consequences of the law, it is stressed that the act of rendering people stateless entails the deprivation of fundamental rights linked to citizenship, as well as exposing them to the risk of expulsion. Concern is expressed that there remain groups of the population for whom the question of citizenship has not yet been addressed in a satisfactory manner. These include prisoners, and minors and orphans in children's homes, many of whom are of Roma origin.

15. Doubts were raised whether the provisions of the State party's Criminal Code is conducive to the full implementation of article 3 of the Convention as it stipulates a state of war for the applicability of section 263 (a).

E. Suggestions and recommendations

16. The Committee recommends that the State party continue its efforts to prevent and counter effectively attitudes and acts of racial violence against persons belonging to minority groups, mainly Roma, and persons of African or Asian origin, and take additional measures to ensure an effective and timely handling of court cases of racially motivated crime and punishment of the perpetrators.

17. The Committee also recommends that the State party give more attention to the activities of political parties and other organizations, as well as to media promoting racist propaganda and ideas of racial superiority, in accordance with article 4 of the Convention.

18. The Committee recommends that the State party provide, in its next report, more specific statistical data on minority representation in local, regional and State administrations as well as information on their situation in the fields of education, employment and health. The Committee would also welcome more data on minorities' political, economic and cultural rights. Information is also requested concerning the proportions of ethnic minority groups and aliens residing in the country.

19. The Committee recommends that increased attention be paid to introducing legal provisions aimed at safeguarding the enjoyment on a non-discriminatory basis, by all segments of the population, of the economic, of social and cultural rights listed in article 5 of the Convention, notably, the rights to work, housing, education, and access to services and places open to the general public.

20. The Committee suggests that the State party, in its next report, endeavour to provide more specific information on the implementation of the Convention and of national laws in practice, especially relating to articles 5 and 6 of the Convention.

21. In connection with article 7 of the Convention, the Committee would welcome information on the effectiveness of teaching and public awareness campaigns intended to prevent racial discrimination and increase tolerance.

22. The Committee requests that the State party provide, in its next report, comprehensive information on the results of the affirmative action measures that have been taken for the Roma community, in particular in the fields of education, employment and housing.

23. The Committee also urges the State party to resolve the remaining problems relating to the acquisition of Czech citizenship by all residents, including prisoners and children and adolescents in institutions, in particular members of the Roma minority.

24. It is suggested that the State party consider providing increased education and training on racial tolerance and human rights issues to professional groups such as judges, lawyers and civil servants so as to eliminate any cases of harassment or improper conduct in relation to persons belonging to minorities.

25. The Committee suggests that further action be taken to ensure that the provisions of the Convention are more widely publicized, particularly among minority groups, government officials and the police. In addition, the State party should ensure the wide dissemination of its report and the concluding observations of the Committee.

26. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

27. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of such a declaration be considered.

28. The Committee recommends that the State party's next periodic report, due on 22 February 1998, be an updating report and that it address all the points raised in the present observations.